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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,985	02/28/2002	Michael W. Stark	S42-4	4504

25179 7590 04/23/2003

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,985

Applicant(s)

STARK ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 32'. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 28. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5018260, Ziu.

In regards to claim 1, Ziu discloses a double containment pipe system, which includes a carrier pipe section (12) having a plurality of radially spaced members (30,

32, 34) connected to and longitudinally extending along an outer surface thereof, and a containment pipe section (14) having an inner surface of a diameter to contain the carrier pipe and readily permit movement therein, wherein an annulus is formed between the carrier pipe section and containment pipe section.

In regards to claim 2, Ziu discloses the radially spaced members be centralizer fins.

In regards to claim 3, Ziu discloses the radially spaced members being generally radially equidistantly spaced from one another.

In regards to claim 4, Ziu discloses a plurality of the carrier pipe sections as defined which are fixably interconnected and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another.

In regards to claim 7, Ziu discloses the radially spaced members being fixably connected to the carrier pipe section.

In regards to claim 8, Ziu discloses the radially spaced members being fixed axially with respect to one of the pipes.

In regards to claim 9, Ziu discloses a double containment pipe system, which includes: a carrier pipe section; and a containment pipe section having a plurality of radially spaced members fixably connected to and longitudinally extending along an inner surface thereof, wherein an inner diameter formed by the radially spaced members to readily movably contain the carrier pipe, and wherein an annulus is formed

between the carrier pipe section and containment pipe section which contains the radially spaced members.

In regards to claim 10, Ziu discloses the radially spaced members being fins.

In regards to claim 11, Ziu discloses the radially spaced members being generally radially equidistantly spaced from one another.

In regards to claim 12, Ziu discloses a plurality of the carrier pipe sections as defined which are fixably interconnected and which are operably disposed within a plurality of the containment pipe sections which are removably interconnected to one another.

In regards to claim 15, Ziu discloses the radially spaced members being fixed axially with respect to one of the pipes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziu in view of US patent 5433484, Ewen et al.

In regards to claims 5 and 13, Ziu discloses the claimed invention except for the containment pipe sections being removably interconnected by a quick connect coupling having a clamp. Ewen et al teaches containment pipe sections (108) being removably interconnected by a quick connect coupling having a clamp (160) to maintain the

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intimacy of the fit between pipes (column 7, lines 42-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide containment pipe removably interconnected by a quick connect coupling having a clamp to maintain the intimacy of the fit between pipes, as taught by Ewen et al.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziu in view of US patent 6039066, Selby.

In regards to claims 6 and 14, Ziu discloses the claimed invention except for a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members. Selby teaches a leak detection device (34) operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members (41) "such the color of any water passing there through can be visually observed" (col. 1, lines 46-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a leak detection device operably disposed within an annulus between the carrier pipe section and the containment pipe section adjacent a bottom portion of the containment pipe between the radially extending members such the color of any water passing there through can be visually observed, as taught by Selby.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the current state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd
April 18, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670